II. REMARKS

A. Introduction

In this Office Action claims 1-25 are noted as pending, claims 5-11 and 14-17 are noted as withdrawn, and claims 1-4, 12, 13 and 18-25 are rejected.

In summary of this Response, claims 1-4, 12, 13 and 18-25 are canceled, new claims 26-38 are added, and remarks are provided.

In regard to the new claims, of course, Species 2 of Figs. 6-8 was elected. New claims 26-38 are fully supported by the disclosure of Figs. 6-8 and the written description related thereto, including Page 16, line 23 to page 21, line 10.

New independent claim 26 recites the steam venting ports formed in the first and second panels of the foldable portion 8, and their cooperation with the peelable tape, one side of which peels under steam pressure. New dependent claims 27-32 recite other features of the invention, such as the configuration of the un-sealed region, the foldable portion and the tape extending along a width, holes formed in the sides of the peelable tape used to position the tape in the foldable portion, the use of a plurality of cooperating steam venting ports in the first and second panels of the foldable portion and the tape, the bag having contents therein and the tape having a length longer than the foldable portion.

New independent claim 33 combines the features of new claims 26, 27 and 30. New dependent claims 34-37 correspond generally to claims 28, 29, 32 and 31, respectively.

New independent claim 38 combines the recitations of claims 26-30 and 32.

B. Rejection of Claims 1-4, 12, 13 and 18-25 Under 35 U.S.C. § 112, First Paragraph

These claims are rejected as lacking support for the steam vent (11) being provided only in the inner sheet part.

These claims are canceled and the recitation is not carried over in the new claims 26-38, so this rejection has been addressed.

C. Rejection of Claims Under 35 U.S.C. § 103

Claims 1-4, 12, 18-23 and 25 are rejected as being made obvious by a combination of U.S. Patent Application Publication Nos. 2003/0123758 (Mita et al.) and 2004/0045842 (Matsuda et al.) and Hamilton, U.S. Patent No. 7,004,632. Mita is cited for teaching two opposing, sealed sheets, a "fold in part 44" with inner and outer sheet parts, and a "steam venting port 46" formed in the fold in part 44. Specific reference is made to Fig. 21 thereof. However, the Action notes that Mita does not disclose at least: (1) the steam venting port being formed in the inner sheet: or (2) the details of the easily peelable tape. Nevertheless, Matsuda is cited for teaching an easily peelable tape and Hamilton is cited for locating the steam vent port on the inner sheet part.

Claims 13 and 25 are rejected as being made obvious by the combination noted above, and further in view of Japanese Reference No. 10-101154, which is cited for teaching holes formed in the sides of the peelable tape.

As noted above, all rejected claims are canceled. Nevertheless, for the following reasons, it is respectfully submitted that the present invention, as recited by new claims 26-38, were not rendered obvious by the cited art.

Independent claim 26 recites, among other features:

> ... a steam venting port formed in the un-sealed region through the inner panel;
>
> a steam venting port formed in the un-sealed region through the outer panel;
>
> a peelable tape in the foldable portion, said peelable tape including a steam venting port formed therethrough corresponding in position to the steam venting port of the outer panel,
>
> wherein the peelable tape includes a peelable side which is sealed to the inner panel at the sealed region, and a non-peelable side which is sealed to the outer panel at the sealed region,
>
> wherein the peelable tape extends over the steam venting ports in the un-sealed region, and

wherein, when steam of a predetermined pressure is in the bag, the peelable side peels from the inner sheet to allow steam to escape the bag through the steam venting port in the inner sheet and through the steam venting port in the peelable tape and the corresponding steam venting port in the outer sheet, but the non-peelable side does not peel from the outer sheet.

Mita et al. discloses a container with a "point seal part" (e.g., 46, 46N) formed in a "wing part" (e.g., 44) made up of outer and inner sheet parts (44, 44) facing each other with a fold or seam (e.g., f1) formed between the sheet parts. The point seal part includes a seal that is either continuous or a border around a steam release means, i.e., a cut or hole (e.g., 47, 48). Steam formed in the container causes the actual seal of the point seal part to be broken, whereupon the steam can escape the container via the cut or hole. See, e.g., numbered paragraphs [0163]-[0164], [0166], [0168], [0170]-[0171] and Figs. 19-24.

There is no express disclosure in Mita et al. as to whether the steam release means is formed in the outer sheet or in the inner sheet. However, it appears that the steam release means is provided only in the outer sheet part of the wing part, i.e., the sheet of the fold-in part facing outwardly in, e.g., Fig. 1A. See, e.g., openings 6, 26, 46, 85 and 105S in corresponding outer sheets 4, 24, 44, 84, and 104 in Figs. 1A, 2A, 9A/13A, 19A, 25A/26A and 33C, respectively. The Action appears to admit that Mita et al. teaches such a structure. Action, page 5, line 17.

Regardless of whether Mita et al. discloses the steam release means as being formed on the inner or the outer sheet part, Mita et al. does not show or disclose the formation of separate steam venting ports on both the outer sheet and the inner sheet. In light of Mita et al.'s teaching that steam would adequately be vented by the steam release means being formed in only one sheet, there would appear to be no need to duplicate these means on both sheet parts making up the wing part 44 of Mita et al. That is, it is believed one of ordinary skill would not consider or pursue such redundancy due to additional cost in manufacturing, without any expected added benefit. For example, if one port is enough to relieve the pressure, a second port would have no effect, i.e., it would not open if the steam is vented by the first port.

Even if one of ordinary skill were to consider adding sealed steam release means to both sheet parts of the wing part 44 of Mita et al., the reference suggests no need or means for a separate peelable tape that is sealed against inner and outer sheets of a foldable portion of the bag, and selectively relying on the relative peelable characteristics of portions of a tape to respond to steam pressure and allow the steam to exit the bag via a port in one panel, and via a port in the tape and a corresponding port in the other panel of the foldable portion, as recited by claim 26. The Action admits same at page 3, bottom.

Thus, the question under Graham v. John Deere and KSR, is whether the remaining art suggests modification of Mita et al. to arrive at the invention as recited by new independent claim 26, including at least the position and number of ports, and the cooperation thereof with the peelable tape. It is respectfully submitted that the answer is no.

Matsuda et al. shows a pouch having a branched chamber 2. The chamber 2 terminates in a "pouring spout 3" or "plug body 8". A seal part 4 which is shown in Fig. 18 to include a "readily unsealable seal member 10" having a "tight seal part 12" and a "readily peelable seal part 11" is included, e.g., along a free end of the spout 3 (Figs. 2 and 7-9). The parts 11 and 12 seal against the sheets making up the chamber. When steam builds in the pouch, the seal breaks and the steam escapes.

Matsuda et al. fails to teach at least the recited features of claim 26:

> ... a steam venting port formed in the un-sealed region through the inner panel;
>
> a steam venting port formed in the un-sealed region through the outer panel;
>
> a peelable tape in the foldable portion, said peelable tape including a steam venting port formed therethrough corresponding in position to the steam venting port of the outer panel ...
>
> wherein the peelable tape extends over the steam venting ports in the un-sealed region, and
>
> wherein, when steam of a predetermined pressure is in the bag, the peelable side peels from the inner sheet to allow steam to escape the bag through the steam venting port in the inner sheet and through the steam venting port in the peelable tape and the corresponding steam venting port in the outer sheet, but the non-peelable side does not peel from the outer sheet.

(Emphasis supplied).

For example, Matsuda et al. lacks any separate ports formed in the sheets making up the chamber 2, but only includes the sealed seam 4where the two sheets making up the chamber form an edge or spout. More particularly, Matsuda et al.'s tape lacks any port through which the steam exits, e.g., through the tape and out a port formed in either of the sheets forming the chamber.

Thus, even if one were to incorporate the tape of Matsuda et al. in the container of Mita et al., the present invention as recited by claim 26 would not be made out. That is, adding the seal part 4 of Matsuda et al. across the seal part, e.g., 46 or 46N of Mita et al. would merely cover the holes 47, 48 of Mita et al. and, under steam pressure, the steam would exit the container only through the peeled tape, and would have no effect on the seal part, i.e., the steam would not move through the holes 47, 48. Why would one of ordinary skill want to layer a second seal onto a first seal and render the first seal useless. The costs and complexities of such an academic structure would be prohibitive and unnecessary.

It is further submitted that the remaining references, i.e., Hamilton and Japanese Reference No. 10-101154 fail to compensate for the incomplete teaching of Mita et al. and/or Matsuda et al.

Hamilton is cited for teaching the use of venting means in either the inner or outer sheets. Even if Hamilton teaches using ports in the inner and outer sheets of Mita et al., the invention of claim 26 is not made out because the interrelation of the peelable tape that Matsuda et al. fails to teach, is still missing. Note also that the adhesive layer 26 is nowhere near the perforations 22 or 220, so this reference cannot aid in providing any teaching related to the recited cooperative relationship between the tape and the holes formed in the inner and outer panels of the foldable portion.

The Japanese Reference is cited for teaching the use of additional holes only. Clearly, this reference fails to teach the coordinated ports and peelable tape recited by the present invention. Further, the reference lacks any suggestion that the holes 4 thereof should or could be used to help position a sealable tape that overlays steam venting ports.

As each of claims 27-38 incorporates the limitations of claim 26 discussed above, it is respectfully submitted that these claims are also patentable for the same reasons. Further, each of these claims recites additional features which, when combined with the features of claim 26, are not taught or disclosed by the cited art.

C. CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that claims 26-38 are now in condition for allowance.

If there are any additional fees associated with this Response, please charge the same to our Deposit Account No. 19-3935.

Finally, if there are any formal matters remaining after this Response, the undersigned would appreciate a telephone conference with the Examiner to attend to these matters.

Respectfully submitted,

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